



City of Seattle
Seattle Public Utilities

July 14, 2015

Municipal Permit Comments
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Seattle Comments on Ecology's Proposed Stormwater Control Transfer Program

Thank you for the opportunity to comment on Ecology's draft Stormwater Control Transfer Program. Seattle appreciates Ecology's effort to provide guidance for the development of an out of watershed alternative program to satisfy permit requirements associated with flow control, runoff treatment, and/or low impact development triggered at new and redevelopment sites. Seattle's comments and recommendations on application, monitoring and tracking are provided below.

Application (Section 1. Key Features of Programs to Transfer Stormwater Controls to Priority Watersheds in Western Washington State)

Seattle agrees with Ecology that the Stormwater Control Transfer program draft guidance does not apply to in-watershed transfers. However, Seattle recommends further clarifying this through the following:

1. Revise the following two footnotes as indicated:

FN 1 (page 1). These guidelines apply to Permittees covered under Phase I and Western Washington Phase II Municipal Stormwater Permits. The guidelines apply to out-of-watershed transfers rather than in-watershed transfers, which Ecology has not addressed in crafting this guidance. ~~Many aspects~~ Aspects of these guidelines ~~are may be~~ applicable to Stormwater Control Transfer Programs that incorporate fee-in-lieu features.

FN 4 (page 2). NOTE: ~~Other in-basin~~ In-basin transfer options for flow control, runoff treatment, and LID improvements are available but are not the topic of and are not discussed in this guidance. See the Supplemental Guidelines for Sections 2.4.1 and 2.4.2 in the Stormwater Management Manual for Western Washington (SWMMWW).

2. Consistently use the terms "watershed" and "basin" throughout the draft guidance.

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Monitoring (Section III: Considerations for Developing an Effectiveness Monitoring Plan for Stormwater Control Transfer program)

Seattle suggests that Ecology restate its reference to the PCHB decision by quoting the decision. The PCHB has not considered stormwater control transfer approaches in general, but instead ruled on one particular alternative program, which it found lacking on several grounds under Special Condition S.5.C.5.b.ii. Seattle also recommends that Ecology clarify that there are other potential mechanisms (that would require Ecology approval) besides that provided in guidance to provide assurance that the beneficial use will have at least the same level of protection as provided by the permit. Recommended revisions to the Background section (page 11) are as follows:

The Washington State Pollution Control Hearings Board ruled (PCHB No. 10-013) that a ~~monitoring program is necessary to confirm the equivalency of a stormwater control transfer approach concerning compliance with default stormwater management requirements in~~ "alternative mechanisms ... must be based in science and have some assurances that beneficial uses will have at least the same level of protection as provided by" the Phase I Municipal Stormwater Permit. Ecology supports the concept of establishing a monitoring program as one way to document effectiveness of a Stormwater Control Transfer Program in improving water quality and /or quantity conditions in a targeted, priority watershed and offers the following guidance for establishing such a program.

Tracking (Section IV. Stormwater Facility Transfer Capacity Credits and Tracking)

Seattle recommends that Ecology clarify that there are other potential methods (that would require Ecology approval) for tracking transfers besides that provided in guidance. Recommended revisions to the Purpose section (page 13) are as follows:

The document describes ~~how~~ one way a municipality implementing a Stormwater Control Transfer Program can:

Please feel free to contact Kate Rhoads of my staff if you have any questions regarding this letter. Kate can be reached at (206) 684-8298 or at kate.rhoads@seattle.gov.

Sincerely,



Julie Crittenden
Planning & Program Management Division Director
Seattle Public Utilities

cc: Ingrid Wertz, SPU
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Sherell Ehlers, SPU
Theresa Wagner, Seattle City Attorney's Office